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SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

**FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 25, 2004**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Bunderson, Calabretta, Cameron, Ingram, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Alena Shea, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Bunderson, Cameron, and Stegner were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 24, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Calabretta was recorded present at this order of business.

February 25, 2004

The JUDICIARY AND RULES Committee reports that **S 1385, S 1386, S 1387, S 1388, S 1389, S 1390, S 1391, S 1392, S 1393, S 1394, and S 1395** have been correctly printed.

DARRINGTON, Chairman

S 1385, S 1386, and S 1387 were referred to the Finance Committee.

S 1388 was referred to the Local Government and Taxation Committee.

S 1389, S 1390, S 1391, and S 1393 were referred to the Commerce and Human Resources Committee.

S 1392 was referred to the Education Committee.

S 1394 was referred to the Judiciary and Rules Committee.

S 1395 was referred to the Transportation Committee.

February 24, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1214** and **S 1222** were delivered to the Office of the Governor at 2:55 p.m., February 24, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 24, 2004

The JUDICIARY AND RULES Committee reports that **S 1229** and **S 1230** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1229** and **S 1230** and ordered them transmitted to the House for the signature of the Speaker.

February 24, 2004

The HEALTH AND WELFARE Committee reports out **H 605** and **H 611** with the recommendation that they do pass.

BRANDT, Chairman

H 605 and **H 611** were filed for second reading.

February 25, 2004

The FINANCE Committee reports out **S 1385, S 1386, and S 1387** with the recommendation that they do pass.

CAMERON, Chairman

S 1385, S 1386, and S 1387 were filed for second reading.

February 25, 2004

The FINANCE Committee reports out **H 715** with the recommendation that it do pass.

CAMERON, Chairman

H 715 was filed for second reading.

February 24, 2004

The TRANSPORTATION Committee reports out **S 1311** and **S 1274** with the recommendation that they do pass.

INGRAM, Chairman

S 1311 and **S 1274** were filed for second reading.

February 24, 2004

The TRANSPORTATION Committee reports out **S 1286** and **S 1287** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

INGRAM, Chairman

There being no objection, **S 1286** and **S 1287** were referred to the Fourteenth Order of Business, General Calendar.

February 24, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 488**, **H 493**, **H 489**, **H 491**, **H 494**, **H 495**, **H 497**, **H 490**, **H 492**, and **H 496** with the recommendation that they do pass.

ANDREASON, Chairman

H 488, **H 493**, **H 489**, **H 491**, **H 494**, **H 495**, **H 497**, **H 490**, **H 492**, and **H 496** were filed for second reading.

February 24, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 487** with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

ANDREASON, Chairman

H 487 was filed for second reading.

February 25, 2004

The AGRICULTURAL AFFAIRS Committee reports out **H 549** with the recommendation that it do pass.

WILLIAMS, Chairman

H 549 was filed for second reading.

February 25, 2004

The AGRICULTURAL AFFAIRS Committee reports out **S 1313** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

WILLIAMS, Chairman

There being no objection, **S 1313** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Ingram was recorded present at this order of business.

February 24, 2004

Mr. President:

I transmit herewith **H 508**, as amended, **H 512**, as amended, **H 499**, as amended, **H 587**, as amended, **H 558**, as amended, **H 590**, as amended, **H 482**, as amended, **H 579**, as amended, **H 718**, **H 721**, **H 722**, **H 723**, **H 683**, **H 677**, and **H 654** which have passed the House.

JUKER, Chief Clerk

H 508, as amended, **H 512**, as amended, **H 499**, as amended, **H 587**, as amended, **H 558**, as amended, **H 590**, as amended, **H 482**, as amended, **H 579**, as amended, **H 718**, **H 721**, **H 722**, **H 723**, **H 683**, **H 677**, and **H 654** were filed for first reading.

February 24, 2004

Mr. President:

I return herewith **S 1253** which has passed the House.

JUKER, Chief Clerk

S 1253 was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Having voted on the prevailing side and proper notice having been served, Senator Calabretta moved, seconded by Senator Malepeai, that the vote by which **S 1240** passed the Senate be now reconsidered. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Calabretta, Kennedy, and Werk.

Roll call resulted as follows:

AYES--Burkett, Burtenshaw, Calabretta, Davis, Geddes, Kennedy, Malepeai, Marley, Noh, Schroeder, Stennett, Werk, Williams. Total - 13.

NAYS--Andreason, Bailey, Brandt, Bunderson, Cameron, Compton, Darrington, Gannon, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Richardson, Sorensen, Stegner, Sweet. Total - 21.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared the motion to reconsider did not prevail and **S 1240** was transmitted to the House.

The President Pro Tempore announced that **SCR 127** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Burtenshaw, seconded by Senator Stennett, **SCR 127** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that **SCR 128** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Williams, seconded by Senator Stennett, **SCR 128** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that **SCR 129** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Noh, seconded by Senator Stennett, **SCR 129** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that **SCR 126** was before the Senate for final consideration.

Moved by Senator Sweet, seconded by Senator Stennett, that **SCR 126** be adopted. The question being, "Shall the resolution be adopted?"

Whereupon the President Pro Tempore declared that the Senate, by voice vote, had failed to adopt **SCR 126** and ordered the resolution filed in the office of the Secretary of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1396

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2005; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE STATE CONTROLLER TO MAKE A TRANSFER OF FUNDS.

S 1397

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1398

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2005; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT TO CLARIFY THE SCOPE OF THE APPROPRIATION.

S 1399

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1400

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1401

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1402

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE MILITARY DIVISION FOR FISCAL YEAR 2005; GRANTING A CONTINUOUS APPROPRIATION FOR THE BUREAU OF HOMELAND SECURITY'S MISCELLANEOUS REVENUE FUND FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1403

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO WOMEN'S COMMISSION FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1396, S 1397, S 1398, S 1399, S 1400, S 1401, S 1402, and S 1403 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 508, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 512, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 499, as amended, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 587, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 558, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 590, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 482, as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 579, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 718, **H 721**, **H 722**, and **H 723**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 683 and **H 677**, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 654, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

The President Pro Tempore called Senator Darrington to the Chair.

H 536 and **H 567**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1381, by Finance Committee, was read the second time at length and filed for third reading.

S 1367, by Resources and Environment Committee, was read the second time at length and filed for third reading.

S 1303 and **S 1304**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

H 586 and **H 588**, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

H 542, **H 610**, and **H 601**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1365 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Davis, Geddes, Pearce, Sweet. Total - 4.

Total - 35.

Whereupon the Acting President declared **S 1365** passed, title was approved, and the bill ordered transmitted to the House.

S 1255 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Geddes, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1255** passed, title was approved, and the bill ordered transmitted to the House.

S 1273 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 29.

NAYS--Calabretta, Geddes, Keough, Little. Total - 4.

Absent and excused--Pearce, Sweet. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1273** passed, title was approved, and the bill ordered transmitted to the House.

S 1377 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Ingram, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1377** passed, title was approved, and the bill ordered transmitted to the House.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12 noon until the hour of 4:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, Acting President Davis presiding at the request of the President Pro Tempore.

Roll call showed all members present except President Pro Tempore Geddes, absent and excused on state business as Acting Governor for the State of Idaho; and Senators Burkett, Keough, Pearce, Schroeder, and Sorensen, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

Senators Burkett, Keough, and Schroeder were recorded present at this order of business.

S 1281 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Calabretta, Richardson. Total - 2.

Absent and excused--Geddes, Pearce, Sorensen. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1281** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, **S 1266** retained its place on the Third Reading Calendar for one legislative day.

Senator Sorensen was recorded present at this order of business.

S 1267 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Geddes, Pearce. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1267** passed, title was approved, and the bill ordered transmitted to the House.

S 1268 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Geddes, Pearce. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1268** passed, title was approved, and the bill ordered transmitted to the House.

S 1306 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Calabretta. Total - 1.

Absent and excused--Geddes, Pearce. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1306** passed, title was approved, and the bill ordered transmitted to the House.

S 1298 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Geddes, Pearce. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1298** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:35 p.m. until the hour of 9:30 a.m., Thursday, February 26, 2004.

BART M. DAVIS, Acting President

Attest: JEANNINE WOOD, Secretary